

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2019

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.32063 of 2018

and

WMP.No.37312 of 2018

1.K.B.Irudhayam
2.K.B.Joseph Immanuel
3.Pastur Victor Johan
4.Edward Felix
5.Archana Sahayarani
6.Abinaya Sheril Roshik Petitioners

Vs.

1.The District Collector,
Kancheepuram District,
Kancheepuram -631 501.
2.The Special District Revenue Officer, (DRO) (L/A)
Bangalore - Chennai Express Way Project,
Kancheepuram - Thiruvallur Districts,
Kancheepuram.
3.The Special Tahsildar, (L/A),
Unit - III,
Bangalore - Chennai Express Way Project,
Kancheepuram - Thiruvallur Districts,
No.15,Visalakshi Nagar, Sevlilimeedu,
Kancheepuram - 631 501.
4.K.Parthiban ... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a writ of MANDAMUS, directing the respondents 2 and 3 to consider the petitioners representation dated 07.07.2018 and legal notice dated 19.11.2018 by refraining the any payment of compensation Award amount to 4th respondent and further restraining the respondents 2 and 3 from disbursing any compensation Award amount to the 4th respondent and consequently directing the respondents 2 and 3 to pay us compensation Award amount for the acquired land ad-measuring 1.12 Acres(3932 sq. meter) in Punja Survey No.47/7 situated at No.114, Pudavur Village, Sriperumpudur Taluk, Kancheepuram District for the purpose of Bangalore - Chennai Express Way Project.

For Petitioners : Mr.S.L.Sudarsanam
For Respondents : Mr.Elumalai
Government Advocate for R1 to R3

Mr.D.Murthy for R-4

O R D E R

This writ petition has been filed restraining the respondents 2 and 3 from disbursing the Award amount in favour of the 4th respondent.

2.The grievance of the petitioners is that there is a title dispute between the petitioners and 4th respondent in respect of the property acquired by the respondent and the petitioners filed a suit in O.S.No.225 of 2018, against the 4th respondent seeking declaration before the District Munsif Court, Sriperumpudhur. Pending the title dispute, now the respondents 2 and 3 taking steps to pay the compensation amount in favour of the 4th respondent. Hence, the present writ petition is filed.

3.Today, when the matter is taken up for hearing, the learned counsel appearing for the 4th respondent admitted the fact that the dispute existing between the petitioners and 4th respondent, and a civil suit is also pending before the Civil Court. The learned counsel further submitted that the matter may be referred to the concerned authority under Section 3(H)(4) of the National High Ways Act for apportionment of compensation. The learned counsel appearing for the petitioners also has no objection for the same.

4.Considering the fact that now the Award has been passed, the second respondent is directed to refer the matter before the competent authority under Section 3(H)(4) of the National High Ways Act within a period of four weeks from the date of receipt of a copy of this order.

5.With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected M.P. is also closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

rrg

To

1.The District Collector,
Kancheepuram District,
Kancheepuram -631 501.

2.The Special District Revenue Officer, (DRO) (L/A)
Bangalore - Chennai Express Way Project,
Kancheepuram - Thiruvallur Districts,
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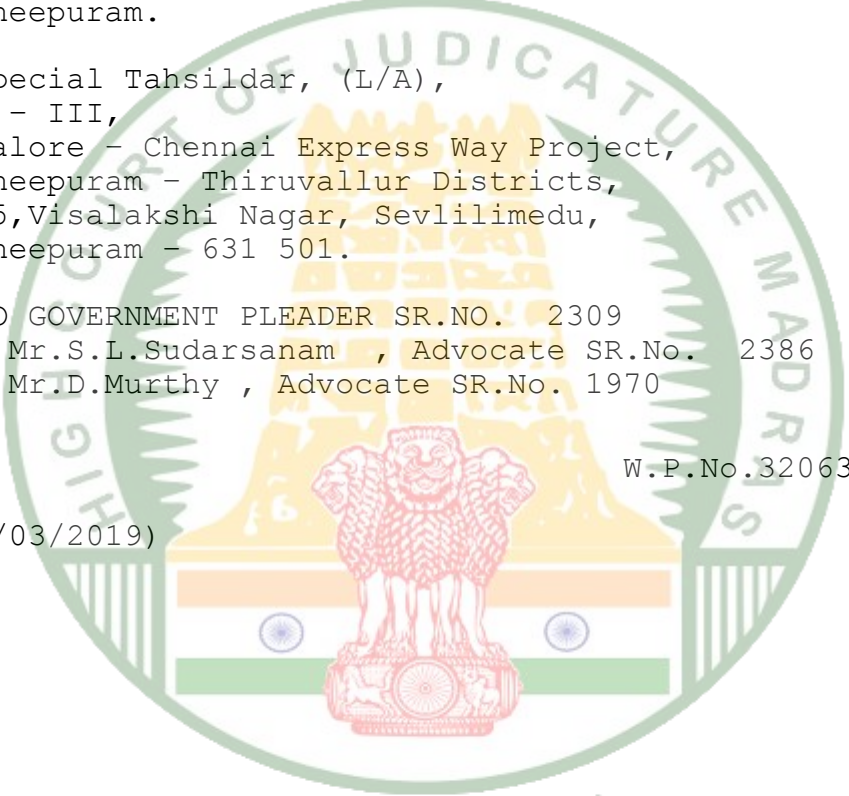
+1 CC TO GOVERNMENT PLEADER SR.NO. 2309

+1cc to Mr.S.L.Sudarsanam , Advocate SR.No. 2386

+1cc to Mr.D.Murthy , Advocate SR.No. 1970

W.P.No.32063 of 2018

A.SK (05/03/2019)



सत्यमेव जयते

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